

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 11/2/2023 Case Number: 5:23-cr-00133
 Case Style: USA vs. Andrew Fleshman
 Type of hearing: Plea Hearing
 Before the Honorable: 2517-Volk
 Court Reporter: Lisa Cook Courtroom Deputy: Sydney Whittington
 Attorney(s) for the Plaintiff or Government:
 Monica Coleman, Christine M. Siscaretti, Matthew Tannenbaum
 Attorney(s) for the Defendant(s):
 Matthew Bradford
 Law Clerk: Jade Hamilton
 Probation Officer: Paradise Nelson

Court Times

Start Time	End Time	Court Time Description
11:37 AM	12:18 PM	Non-Trial Time/Uncontested Time

Time in court: 0 hours and 41 minutes. Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 11:30 a.m.
 Actual Start 11:37 a.m.

Defendant present in person and by counsel.
 Counsel note appearances on the record.
 Defendant placed under oath.
 Court FINDS Defendant competent to go forward.
 Counsel for the United States summarizes plea agreement.
 Court DEFERS acceptance of plea agreement but ORDERS original plea agreement filed.
 Defendant waives reading of Information.
 Defendant pleads guilty to Count One.
 Defendant advised of right to be indicted.
 Defendant executes waiver of indictment; same witnessed by counsel.
 Court ACCEPTS waiver of indictment.
 Court reads statute with which Defendant is charged.
 Defendant advised of elements of offense which Government would have to prove at trial.
 Defendant gives his account of the offense.
 Government provides a proffer re: factual basis for the plea.
 Defendant advised of the penalties which may apply based upon the plea.
 Defendant advised of right to plead not guilty, to remain silent, and to stand trial.
 Defendant executes written guilty plea form; same ORDERED filed.

Court FINDS Defendant is competent and capable of entering an informed plea.
 Court FINDS sufficient factual basis for Defendant's plea.
 Court FINDS that Defendant understands the consequences of the plea.
 Court FINDS that Defendant understands the rights being given up.
 Court FINDS Defendant's plea to be voluntary.
 Court ACCEPTS plea.
 Court ADJUDGES Defendant guilty.
 Sentencing SCHEDULED for February 22, 2024 @ 10:00 a.m.
 Defendant RELEASED on bond, executed today pending sentencing.
 Court recessed at 12:18 p.m.